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In re Application of: PRESTIDGE, Tim et al. :
U.S. Application No.: 10/583,353 : DECISION
PCT Application No.: PCT/GB2005/000023 :
Int. Filing Date: 06 January 2005 :
Priority Date: 06 January 2004 : UNDER
Atty Docket No.: 128452 :
For: MACHINE TOOL WORKPIECE INSPECTION :
SYSTEM : 37 CFR 1.181

This decision is issued in response to applicants' "Request to Change 35 U.S.C. 371 Date" filed on 13 February 2008, which is being treated as a petition under 37 CFR 1.181.

BACKGROUND

On 16 June 2006, applicants filed National Phase application papers requesting entry into the national phase in the United States of America under 35 U.S.C. 371. The National Phase application filing included, *inter alia*, the requisite basic national fee; a Transmittal Letter (PTO-1390); an executed declaration; and an application data sheet.

On 21 November 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "Notice of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903) which set forth the date of receipt of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 16 June 2006 and a 35 U.S.C. 371 completion date of 16 June 2006.

On 15 January 2008, the DO/EO/US mailed a "Withdrawal of Previously Sent Notice" indicating that the Notice mailed on 21 November 2007 was sent in error and a second "Notice of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903) which set forth the date of receipt of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 19 June 2006 and a 35 U.S.C. 371 completion date of 19 June 2006.

On 13 February 2008, applicants filed the instant "Request to Change 35 U.S.C. 371 Date".

DISCUSSION

A review of the papers reveals that the applicants have provided sufficient evidence to establish that the National Phase application papers were filed on 16 June 2006. The proof is the received date of 16 JUN 2006 stamped by the USPTO on the return receipt which itemized the National Phase application papers. Further, the USPTO finance records also indicate that an amount of \$900 corresponding to the National Phase fees were received on 16 June 2006. Therefore, the correction of the 35 U.S.C. 371 date to 16 June 2006 is proper since applicant completed the requirements set forth in 35 U.S.C. 371(c) on 16 June 2006. (See MPEP section 1893.03(b)).


CONCLUSION


Applicant's request under 37 CFR 1.181 to change the 35 U.S.C. 371 date is **GRANTED**.

The Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (Form PCT/DO/EO/903) mailed on 15 January 2008 is hereby **VACATED**.

The application has an international filing date of 06 January 2005 under 35 U.S.C. 363 and a date of 16 June 2006 under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision, that is, for mailing of a NOTICE OF ACCEPTANCE OF APPLICATION (Form PCT/DO/EO/903) which identifies a date of 16 June 2006 under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) and preparation and mailing of a corrected Filing Receipt in accordance with this decision, that is a filing receipt that identifies a 371(c)(1), (c)(2), and (c)(4) date of 16 June 2006.


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